

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CLINT PHILLIPS, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:24-CV-89 RLW
	)	
ST. LOUIS COUNTY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on review of plaintiff's handwritten two-page complaint. The complaint is defective because it was not drafted on the Court's form. *See* E.D. Mo. Local Rule 2.06(A) ("All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable."). In addition, plaintiff has not paid the \$402 filing fee or filed a motion for leave to proceed *in forma pauperis*.<sup>1</sup> Because plaintiff is a self-represented litigant, the Court will allow him twenty-one (21) days from the date of this Memorandum and Order to file an amended complaint on the Court's form, and to file a motion for *in forma pauperis* or pay the Court's filing fee in full.

Plaintiff is warned that the filing of an amended complaint replaces his original pleading, so plaintiff must include each and every one of the claims he wishes to pursue in the amended

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<sup>1</sup>A motion for leave to proceed *in forma pauperis* should be filed on a Court form accompanied by a certified copy of plaintiff's inmate account statement for the six-month period immediately preceding the filing of the complaint. *See* 28 U.S.C. § 1915(a)(2). Or, plaintiff may pay the full \$402 filing fee. A review of this Court's files shows that plaintiff has previously brought at least three civil actions that were dismissed on grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See Phillips v. St. Louis City Police Officers*, No. 4:17-cv-1637-HEA (E.D. Mo. Jan. 10, 2018); *Phillips v. Romeo*, No. 4:17-cv-1636-NAB (E.D. Mo. Aug. 4, 2017); *Phillips v. City of St. Louis*, No. 4:11-cv-791-CEJ (E.D. Mo. May 19, 2011). Therefore, the Court cannot permit plaintiff to proceed *in forma pauperis* unless he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). There is no indication in the currently filed complaint that Plaintiff is under imminent danger.

complaint. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff's allegations may not be conclusory. Instead, plaintiff must plead facts that show how all defendants are personally involved in or directly responsible for the alleged harm. If plaintiff wishes to sue a defendant in his or her individual capacity, plaintiff must specifically say so in the amended complaint. If plaintiff fails to sue a defendant in his or her individual capacity, this action may be subject to dismissal as to that defendant.

All of plaintiff's claims should be clearly set forth in the "Statement of Claim." If plaintiff fails to file an amended complaint on the Court's form within twenty-one (21) days and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall mail to plaintiff two blank Prisoner Civil Rights Complaint forms. Plaintiff may request additional forms as needed.


**IT IS FURTHER ORDERED** that the Clerk of Court shall mail to plaintiff a copy of the Court's "Application to Proceed in District Court without Prepaying Fees or Costs" form.

**IT IS FURTHER ORDERED** that, by **February 9, 2024**, plaintiff shall file an amended complaint on the Court-provided form and in compliance with the Court's instructions.

**IT IS FURTHER ORDERED** that, by **February 9, 2024**, plaintiff shall either pay the filing fee or submit a completed "Application to Proceed in District Court without Prepaying Fees or Costs" form. If plaintiff files a motion to proceed *in forma pauperis*, he must also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

**IT IS FURTHER ORDERED** that if plaintiff fails to file a motion to proceed *in forma pauperis*, along with a certified copy of his inmate account statement for the preceding six months, by **February 9, 2024**, he is responsible for paying the \$402 filing fee.

**IT IS FURTHER ORDERED** that plaintiff's failure to timely comply with this Order will result in the dismissal of this action, without prejudice and without further notice.

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 19th day of January, 2024.